

UNITED STATES EPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORN	ATTORNEY DOCKET NO.	
08/472,87	76 06/07/ 9 5	- GARCIA	F	ì TF	(D-001-IA	
		7		EXAMINE	R	
HAROLD C	KNECHT, III	LM61/0915	ME	EI,X		
P. O. BO	(28338		ART U		PAPER NUMBER	
ST. PAUL	MN 55128-2023			743		
			DATE MAIL			
				()9/15/98	

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks





Office Action Summary

Application No. 08/472,876

Applicant(s)

Garcia et al.

Examiner

Xu Mei

Group Art Unit 2743



X Responsive to communication(s) filed on Jul 2, 1998	·		
☐ This action is FINAL .			
☐ Since this application is in condition for allowance except for formal in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D.			
A shortened statutory period for response to this action is set to expir is longer, from the mailing date of this communication. Failure to respapplication to become abandoned. (35 U.S.C. § 133). Extensions of 37 CFR 1.136(a).	oond within the period for response will cause the		
Disposition of Claims			
X Claim(s) 2, 5, 9, 14, 15, 17, 18, 24, 28, 29, 31, 33-35, 37-40	0, 43, and 44 is/are pending in the application.		
Of the above, claim(s)	is/are withdrawn from consideration.		
	is/are allowed.		
	is/are rejected.		
	is/are objected to.		
☐ Claims			
Application Papers See the attached Notice of Draftsperson's Patent Drawing Revie The drawing(s) filed on is/are objected to to is/are objected to	by the Examiner. is _approved _disapproved. 35 U.S.C. § 119(a)-(d). priority documents have been ational Bureau (PCT Rule 17.2(a)).		
Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s) Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152			
SEE OFFICE ACTION ON THE FO	LLOWING PAGES		



Serial Number: 08/472,876

Art Unit: 2743

- This communication is responsive to the applicant's amendment dated
 07/02/1998.
- 2. The indicated allowability of claims 2, 5, 9, 14-15, 17-18, 24, 28-29, 31, 33-35 and 37-42 is withdrawn in view of new ground(s) of rejection. Rejections based on the new ground(s) follow.
- 3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 4. Claims 17-18, 29 and 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Proper functional language(s) regarding the claimed subject matter(s) is/are lacked in claims 17-18, 29 and 39.
- 5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.



Serial Number: 08/472,876

Art Unit: 2743

- 6. Claims 31, 33-34, 43, and 40 are rejected under 35 U.S.C. 112, first paragraph, while being as **single means claim**. A claim which recites, <u>solely</u>, a single 'means' as its function(s) is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Haytt, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983).
- 7. Claims 24, 2, 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 8. Claims 35, 37, 14, 15, 28, 38 and 44 are allowed.
- 9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

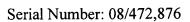
or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).





Art-Unit: 2743

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is (703) 308-6610.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

/**%**m 09/06/1998

> CURTIS A. KUNIZ SUPERVISORY PATENT EXAMINER GROUP 2700